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Attorney Docket No.: 12046A-010500US

Assistant Commissioner for Patents
Washington, D.C. 20231

On June 25, 2001

TOWNSEND and TOWNSEND and CREW LLP

By Mathew Currell



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Boehringer, et al.

Application No.: 08/812,616

Filed: March 6, 1997

For: QUANTITATIVE LATERAL
FLOW ASSAYS AND DEVICES

Examiner: Chin, C.

Art Unit: 1641

PETITION TO WITHDRAW
THE HOLDING OF ABANDONMENT
UNDER 37 CFR §1.181(a)

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Applicants request that the Notice Abandonment, attached as Exhibit 1, in the above-identified case be withdrawn on the basis that there is no abandonment in fact. A Notice of Abandonment was mailed in the above-identified case on May 8, 2001 and received on May 14, 2001. The Application was abandoned in view of Applicants' alleged failure to timely file a proper reply to the Office letter mailed on September 1, 2000. The Notice of Abandonment indicates that no response was received by the Patent and Trademark Office.

The Office letter mailed on September 1, 2000, set a statutory period for response of December 1, 2000. On March 1, 2001, Applicants mailed an Amendment, and a Petition to Extend Time (3 months), to the Patent Office using the certificate of mailing procedure.

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The Amendment is attached as Exhibit 2. The Petition to Extend time is attached as Exhibit 3. The return receipt postcard filed therewith, and date stamped by the Patent and Trademark Office, is attached as Exhibit 4.

In light of the fact that there is no abandonment in fact, Applicants request that the Notice of Abandonment be withdrawn.

Applicants believe that no fee is required for submission of this Amendment. However, if a fee is required, the Commissioner is authorized to charge such fee to Deposit Account No. 20-1430. Please charge any additional fees or credit any overpayment to the above-noted Deposit Account.

Respectfully submitted,



Nathan S. Cassell
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